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Attorneys for Defendants/Counterplaintiffs/Third Party Plaintiffs  
The Eljen Group, LLC,  
Elven E. Jennings, Jack Elkins,  
Frank Lente and Steve Harper

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

NO. 8 MINE, LLC,

Plaintiff,

v.

THE ELJEN GROUP, LLC,  
ELVEN E. JENNINGS, JACK ELKINS,  
FRANK LENTE, AND STEVE HARPER,

Defendants.

Case No.: 3:18-cv-00104-WGC

STIPULATION TO FILE THE ELJEN  
GROUP, LLC'S, ELVEN E. JENNINGS',  
JACK ELKINS AND STEVE HARPER'S  
2<sup>ND</sup> AMENDED COUNTERCLAIMS  
AND THIRD PARTY CLAIMS  
PURSUANT TO FRCP 15(a)(2)

THE ELJEN GROUP, LLC, ELVEN E.  
JENNINGS, JACK ELKINS, FRANK  
LENTE, AND STEVE HARPER

CounterPlaintiffs,

v.

NO. 8 MINE, LLC  
CounterDefendant.

1 THE ELJEN GROUP, LLC, ELVEN E.  
2 JENNINGS, JACK ELKINS, FRANK  
3 LENTE, AND STEVE HARPER

4 Third Party Plaintiffs,

5 v.

6 DAVID TACKETT, ARGENT ASSET  
7 GROUP, LLC, and ROBERT HIGGINS,

8 Third Party Defendants.

9 COMES NOW, Defendants/Counterclaimants/Third Party Plaintiffs The Eljen Group,  
10 LLC, Elven E. Jennings, Jack Elkins, and Steve Harper, by and through their undersigned  
11 counsel, and hereby stipulate and agree, pursuant to Fed. R.Civ. P. 15(a)(2) to permit  
12 Defendants/Counterclaimants/Third Party Plaintiffs The Eljen Group, LLC, Elven E.  
13 Jennings, Jack Elkins, and Steve Harper to include in their responsive pleading to No.8 Mine,  
14 LLC's Second Amended Complaint and David Tackett's Counterclaim additional  
15 counterclaims/third party claims as follows:

- 16 1. Amend the fraud cause of action against No. 8 Mine, LLC and David Tackett to  
17 add more specificity;
- 18 2. Add a breach of payment on promissory note cause of action against No. 8 Mine,  
19 LLC and David Tackett.
- 20 3. Various other revisions to clarify the factual allegations contained in the  
21 previously filed pleading.

22 Defendant/Counterclaimant/Third Party Plaintiff Frank Lente filed bankruptcy on or  
23 about August 30, 2019. See Notice of Bankruptcy [Doc. 109]. Accordingly, Mr. Lente is not  
24 a party to this Stipulation.

25 DATED this 20th day of September, 2019.

26 SMIDT, REIST & KELEHER

27 DATED this 20th day of September, 2019.

28 WOODBURN AND WEDGE

/s/ Michael Carrico

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E. Jennings, Jack Elkins, Frank Lente and  
Steve Harper, Defendants/Counter  
Plaintiffs/Third-Party Plaintiffs in Case  
No. 3:18-CV-00104-WGC*

DATED this 20 th day of September, 2019.

FABIAN VANCOTT

/s/ Jeffrey B. Setness

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Attorneys for Plaintiff/Counter Defendant No. 8 Mine, LLC and Counter  
Defendant/Third Party Defendants David Tackett in Case No. 3:18-CV-00104-WGC*

\* \* \*

**ORDER**

IT IS SO ORDERED.

DATED: September 23, 2019.

William G. Cobb

THE HONORABLE WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE